

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

TIMOTHY B. WHITMORE,  
Plaintiff,  
v.  
PIERCE COUNTY DEPARTMENT OF  
COMMUNITY CORRECTIONS *et al.*,  
Defendants.

Case No. C05-5265RBL

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) Plaintiff's "FRCP [sic] 59 Motion for an Amendment to the Judgment Rendered in Dkt. 223 Regarding the Habeas Corpus Portion of the Complaint" [Dkt. #238] and the amendments thereto [Dkt.#s 243, 244, 245] is considered as a motion for reconsideration of this Court's prior Order adopting the Report and Recommendation dismissing plaintiff's habeas corpus claims and, as such, is **DENIED**.
- (2) The Court adopts the Report and Recommendation;
- (3) Defendant Pierce County's motion for summary judgment as to all remaining claims is **GRANTED**.
- (4) Plaintiff's cross motion for summary judgment is **DENIED**.
- (5) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon. J. Kelley Arnold.

DATED this 20<sup>th</sup> day of August, 2007.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE